

REMARKS

Claims 21-24, 27, 29, 31, 33, 35-36 and 69 are pending. Claims 21-24, 27, 29, 31, 33, 35-36 and 69 stand rejected. Claim 21 has been amended.

Support for the amendment to claim 21 can be found in the originally filed specification, for example, on page 9, lines 11-14, page 10, lines 15-22 and in the examples.

Rejection under 35 U.S.C. § 103(a)

Claims 21-24, 27, 29, 31, 33, 35-36 and 69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application Publication No. EP 0 974 357 A1 ("Caux"), in view of PCT International Publication No. WO 98/14573 ("Luster") and a reference having the title "Regulation of dendritic cell trafficking: a process that involves the participation of selective chemokines" ("Dieu-Nosjean").

The subject matter relating to MCP-4 in Caux describes applicants' work and does not qualify as prior art against the pending claims. Luster relates to MCP-4 and its use to enhance an immune response. Dieu-Nosjean is a review article relating to dendritic cells.

Applicants have amended claim 21 to recite sequential administration of MCP-4 protein and a nucleic acid encoding a target antigen.

Applicants submit that the above cited references, either alone or in combination, do not render amended claim 21, and the claims that depend therefrom, obvious. The Declaration under 37 C.F.R. § 1.132 by Alain P. Vicari, along with Exhibit A, both of which were submitted with applicants' previous Supplemental Response of January 30, 2004, demonstrate that hMCP-4 injection increases the antigen specific humoral response following DNA immunization, whereas hMIP-3 $\alpha$  does not. In fact, hMIP-3 $\alpha$  did not exhibit any increased effect over the control plasmid pLacZ. As stated in the Vicari Declaration, such a result would not have been expected.

Best Available Copy

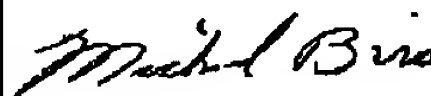
Therefore, applicants submit that the claims, as amended, are not obvious in view of Caux, Luster and Dieu-Nosjean. Accordingly, withdrawal of the rejection of claims 21-24, 27, 29, 31, 33, 35-36 and 69 under 35 U.S.C. § 103(a) is respectfully requested.

### CONCLUSION

Applicants submit that the claims are not obvious in view of the cited references. Accordingly, reconsideration of the rejections and allowance of the claims at an early date are earnestly solicited.

If the undersigned can be of assistance in addressing issues to advance the application to allowance, please contact the undersigned at the number set forth below.

Respectfully submitted,



Michael G. Biro  
Reg. No. 46,556

Schering-Plough Corporation  
Patent Department  
Mail Stop K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth, NJ 07033-0530

Phone: (908) 298-5098  
Fax: (908) 298-5388